

Harrison
Willy
J. Johnson

BY Patterson
Taylor Werner
Clemens Robinson Kubak

J.R. No. 49

A JOINT RESOLUTION

proposing a constitutional amendment relating to the time in which
a minor may bring a health care liability claim.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article XVI of the Texas Constitution is amended
by adding Section 71 to read as follows:

Sec. 71. (a) In this section:

(1) "Health care" means any act or treatment performed
or furnished, or that should have been performed or furnished, by
any health care provider for, to, or on behalf of a patient during
the patient's medical care, treatment, or confinement.

(2) "Health care provider" means any person, including
a partnership, professional association, corporation, facility, or
institution licensed or chartered by this state to provide health
care as a registered nurse, hospital, dentist, podiatrist,
pharmacist, or nursing home, or an officer, employee, or agent of
those persons, acting in the course and scope of employment.

(3) "Health care liability claim" means a cause of
action against a health care provider or physician for treatment,
lack of treatment, or other claimed departure from accepted
standards of medical care, health care, or safety that proximately
results in injury to or death of the patient, whether the patient's
claim or cause of action sounds in tort or contract.

(4) "Physician" means a person licensed to practice
medicine in this state.

1 (b) If a person entitled to bring a health care liability
2 claim is younger than 18 years of age on the date the claim
3 accrues, the period of time between the date the claim accrues and
4 the 18th birthday of the person, not to exceed five years, may not
5 be included in a limitations period.

6 (c) This section applies to a health care liability claim
7 that accrues on or after January 1, 1990. A claim that accrued
8 before January 1, 1990, is governed by the applicable law in effect
9 before that date and that law is continued in effect only for this
10 purpose.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 7, 1989.
13 The ballot shall be printed to provide for voting for or against
14 the proposition: "The constitutional amendment establishing the
15 time in which a minor may bring a health care liability claim."

49

Clemens

By

Patterson
TaylorDamon Clayton
K. M. H.

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the time in which a minor may bring a health care liability claim.

Robinson
Kubrak

FEB 1 1989

1. Filed with the Chief Clerk.

FEB 20 1989

2. Read first time and referred to Committee on

Public Health

3. Reported favorably (as amended) and sent to Printer at (as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

22. Read second time

passed to third reading by:
(a viva voce vote.)

(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____